



Delayed Registration Of Birth



Upon request, this document will be made available in Braille, large print, and audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write:

California Office of Vital Records
M.S. 5103
P.O. Box 997410
Sacramento, CA 95899-7410
Telephone: (916) 445-2684
California Relay: 711/1-800-735-2929
www.cdph.ca.gov

January 1, 2008

Delayed Registration of Birth

My birth (or my child's birth) was never registered. How can I get a birth certificate?

If you (or your child) were born in California, and the birth was never registered:

- **If Your Child is Over One Year Old:** You can file an Application for Delayed Registration of Birth (form VS 85) with our office.
- **If Your Child is Less Than One Year Old:** Register the birth through the local registrar of births in the county where the child was born.

You can also petition the Superior Court to judicially establish the fact of birth.

If you want more information about the "court" process, you can download our pamphlet (Court Order Delayed Registration of Birth) from our website, or you can call our Customer Service Unit (916/445-2684) and we'll mail you a copy.

What is a Delayed Registration of Birth, and how is it different from a regular birth certificate?

- A Delayed Registration of Birth is a way to register a California birth when the birth was not registered within the first year.
 - Unlike regular birth certificates, delayed birth certificates are not accepted as evidence in any proceeding involving estates of decedents, or in any proceeding to establish heirship, unless the affidavit of at least one person who knew the facts was filed at the time the delayed birth certificate was registered.
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Who can apply for a delayed birth certificate?

- Only the person whose birth is being registered, if he or she is at least 18 years of age at the time application is made.
 - If the person whose birth is being registered is under 18 at the time application is made, the application may be filed only by his or her mother, father, legal guardian, or the attending physician or principal attendant at birth.
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Do I need to provide proof that I was born in California when applying for a delayed certificate?

Yes. Health and Safety Code Section 102585 requires that one of the following options of evidence and affidavits be provided to substantiate a delayed registration of birth:

- Two pieces of documentary evidence, at least one of which shall include the parents' names (one or both parents). (Only one document can be submitted for each item on the list at the bottom of this page – you cannot submit two of the same type of document.)
- One piece of documentary evidence, and one affidavit signed by the physician or other principal attendant. (The signed affidavit must be included on the bottom of the VS 85 – and not as a separate document.)
- One piece of documentary evidence, and two affidavits signed by either the mother, father, or other persons having knowledge of the facts of birth (persons signing the affidavit must have been at least 5 years old at the time of the birth). (The signed affidavits must be included on the bottom of the VS 85 – and not as a separate document.)

What is meant by “documentary evidence”?

Health and Safety Code Section 102580 defines documentary evidence required for delayed registration of birth as:

“...original or certified copy of a record that was executed at least five years prior to the date of application, and that substantiates the date and place of birth of the person whose birth is being registered;

“except that if the person whose birth is being registered is under 12 years of age, the record shall have been executed only at least two years before the date of application.”

What are examples of acceptable forms of documentary evidence?

Listed below are some examples of acceptable documentary evidence. Our office contacts the issuing agency to verify documents that are submitted as evidence.

- Photocopy of hospital birth records ¹
- Photocopy of school registration or transcript ²
- Photocopy of U.S. census record
- Original Social Security Numident printout (not a social security **card**) ³
- Photocopy of military service record (DD 214 form)
- Certified copy of voter registration card
- Certified copy of birth certificate of applicant's child
- Certified copy of marriage certificate (county- or state-issued)
- Newspaper notice of birth (entire page from newspaper, which includes the date published and the name of the newspaper)

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What are examples of acceptable forms of documentary evidence?

(Continued)

Important Information



Important: In order for these records to be acceptable, the law says **each** record must show **both** the date **and** place of birth. Documents submitted must also include the **date the document was established** (date must be at least 5 years prior to date of application for delayed birth registration; for children 2 thru 11, the record must have been established at least 2 years prior; for children under 2 years, the record should have been established within the first 6 months of the child's life).

Ultimately, the affidavits and documentary evidence that is submitted must be sufficient to enable the State Registrar (our office) to determine if the birth did in fact occur at the place and date alleged (Health and Safety Code 102550).

If **each** item of documentary evidence submitted does not show **both** the date **and** place of birth, and **include the date the document was established**, we will return your application to you with a request for additional evidence (this will add to our already lengthy processing time).

Registering a Delayed Birth for Someone 12 Years or Over: All documents submitted must have been established at least **five** years before the date of application.

Registering a Delayed Birth for Child 2 Thru 11 Years: All documents submitted must have been established at least **two** years before the date of application.

Registering a Delayed Birth for Child Under 2 Years: All documents submitted should have been established within the **first 6 months** of the child's life.

Our office will keep all supporting documents that are submitted as evidence. Please keep a file copy of all documents submitted to our office.

- 1 Hospital birth records and other medical records (not immunization records or "souvenir" copies of birth records) are excellent forms of documentary evidence that reflect parentage, as are Newborn Screening Tests (PKU Tests).
- 2 The school must "seal" the documents in a school envelope – which is not to be opened by the applicant. The applicant must forward the unopened envelope to our office with the delayed registration application. Make sure the school registrar knows the document must show **both** the date **and** place of birth, and must include the date the document was established.

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What are examples of acceptable forms of documentary evidence?

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- ³ An original Numident printout issued from the Social Security Administration (SSA) in Baltimore, Maryland, is suggested as a form of documentary evidence that also reflects parentage (some local district offices also issue original Numidents). A Numident is a printout of your application for a social security card and contains your name, date and place of birth, and your parents' names.

You can get a Numident printout by completing the "Request for Numident Printout" at the end of this pamphlet and sending it to SSA with the appropriate fee (see form). If you have any questions about the form or how to get a Numident printout, contact SSA.

If you're using the Numident as documentary evidence to register the birth of a person under 12, the person must have had a social security card for at least two years. If 12 or older, the person must have had a social security card for at least five years.

Are there similar guidelines for affidavits?

Health and Safety Code Section 102575 defines an acceptable affidavit as:

"...a written statement executed under oath by a person who at the time of (applicant's) birth was at least 5 years old and had knowledge of the facts of birth, and shall include the full name of the person whose birth is being registered, the names of his or her parents, the date and place of his or her birth and the basis of the affiant's knowledge of these facts."

(The signed affidavit must be included on the bottom of the VS 85 – and not as a separate document.)

What if I am not able to provide the required documentary evidence and affidavits?

- If you do not have the information required by Health and Safety Code Section 102585 to document the birth, you must petition the Superior Court to judicially establish the facts of birth.

This can be done in the Superior Court in either the county of residence of the person whose birth is being established (does not have to be in California), or in the California county where the birth was alleged to have occurred.

- If you need to go to court to judicially establish the facts of birth, you should contact our office first to get a copy of the application form (VS 108 – Court Order Delayed Registration of Birth) and our informational pamphlet which explains the process. Call our Customer Service Unit at (916) 445-2684.

You can also go to our website to download the Court Order pamphlet and request copies of the VS 108 form.

**What do I
submit for a
delayed
registration?**

If Your Child Was Born January 1, 1997 or Later:

- You will need to complete an Application for Delayed Registration of Birth, VS 85.
- You **must** include documentary evidence and/or affidavits – as identified previously in this pamphlet.
- If you are registering a birth that occurred **after** December 31, 1996, we cannot include the father on the birth certificate unless you provide one of the following:

If Parents Are Married:

- You **must** include a certified copy of the marriage certificate between the biological mother and the father.
- You **must** also include a **notarized** Sworn Statement (see next section for more information).

If Parents Aren't Married:

- You **must** include a legible copy of a Declaration of Paternity signed by both parents. (See additional information in this pamphlet regarding the Declaration of Paternity.)
- Mail the following items to our office using the address on the front of this pamphlet:
 - Completed VS 85
 - \$20 fee
 - Documentary evidence and/or affidavits
 - Additional supporting documents:

Married: Certified copy of marriage certificate, plus a **notarized** Sworn Statement.

Not Married: Copy of Declaration of Paternity.

- If any of the required items are not included, your request will be returned to you for correction.

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**What do I
submit for a
delayed
registration?**

(Continued)

If Your Child Was Born *Before* January 1, 1997:

- You will need to complete an Application for Delayed Registration of Birth, VS 85.
- You ***must*** include a ***notarized*** Sworn Statement (see next section for more information).
- You ***must*** include documentary evidence and/or affidavits – as identified previously in this pamphlet.
- Mail the following items to our office using the address on the front of this pamphlet:
 - Completed VS 85
 - \$20 fee
 - ***Notarized*** Sworn Statement
 - Documentary evidence and/or affidavits
- If any of the required items are not included, your request will be returned to you for correction.

**Why do I need a
Sworn Statement?**

Effective July 1, 2003, a new law changed the way we issue birth and death certificates. To help protect against identity theft, the law requires that only an ***authorized*** person (as defined by law) may receive a Certified Copy of a birth or death record. In order to receive the Certified Copy, you must sign (and notarize) the Sworn Statement declaring under penalty of perjury that you're authorized by law to receive the Certified Copy.

Only one notarized Sworn Statement is required for multiple delayed registrations submitted at the same time. But the Sworn Statement must include the name of each person whose record is being registered, and your relationship to that person.

You ***do not have to complete*** the attached Application for Certified Copy of Birth Record, but please read the first page for the definition of an "authorized" person before completing the Sworn Statement.

**What is a
Declaration of
Paternity?**

The federal Welfare Reform Act requires that for unmarried couples, before the father's name can be added to the child's birth certificate, a Declaration of Paternity (CS 909) must be signed by both parents in the presence of a witness. (This law went into effect January 1, 1997.)

- The Declaration of Paternity is only to be used by **unmarried** couples to establish the paternal relationship with the child.
- You must use the official triplicate form (photocopies are not acceptable) that is available through local child support agencies. Or you can contact the Paternity Opportunity Program at the number below. The website below will provide you with a listing of local child support agencies in your county.
- Once you complete the Declaration, **it must be registered with the Department of Child Support Services**. You will need to submit a photocopy of the Declaration to our office (with the VS 85 form) to include the father's name on your child's birth certificate.
- For more information about establishing paternity, contact the California Department of Child Support Services, Paternity Opportunity Program (POP), at (toll free) 866-249-0773 (www.childsup.ca.gov).

**What is the fee
for a delayed
registration?**

- \$20 – which includes one Certified Copy of the birth certificate.
- Additional copies are \$14 each.
- Fees should be paid by check or money order payable to **Office of Vital Records**. International money orders for out-of-country requests should be payable in U.S. dollars.

**Where can
I get the
VS 85?**

Because the Delayed Registration of Birth form becomes the official record, it must be an **original** form (our office uses a special bond paper). **Photocopies are not acceptable**. One form is included if you receive this pamphlet by mail. If you need additional copies of the VS 85 form, or are accessing this pamphlet on our website:

- Order forms electronically at www.dhs.ca.gov/hisp/chs/OVR/OVRFormsReq.asp. Because of the volume of phone calls we receive, the Internet is usually a faster process for our customers than calling our Customer Service Unit.
- Call our Customer Service Unit at (916) 445-2684.
- You can also get the form from the County Recorder or County Health Department in any California county.

**How do I
complete the
VS 85?**

A sample of what a completed form should look like is attached.

- The form is a two-part perforated form.
- Do not include any marks or notations on the form other than the information requested.
- On the top part, indicate the number of copies you want, the fee enclosed, and your name, address, and telephone number.
- Do not write in items 18A or 18B unless applicable.
- Do not write on the bottom part of the form marked "State Registrar Use Only."
- If information is unknown, include a dash (–).

Facts of Birth: Enter information about the person whose birth is being registered.

Father: If registering a birth that occurred **after** December 31, 1996, we cannot include the father on the birth certificate unless you provide a certified copy of the marriage certificate between the biological mother and the father (if married), or a copy of a Declaration of Paternity signed by both parents (if not married).

Mother: Enter the mother's information.

Certification of Applicant: Must be signed by the person whose birth is being registered, if he or she is at least 18 years old. If the person is under 18, this must be signed by the mother, father, legal guardian, attending physician, or principal attendant at birth. (A legal guardian must include with the application a copy of the guardianship papers issued by the court.)

Affidavit and Signatures: Persons having knowledge of the facts must complete the supporting affidavits. These persons must have been at least five years old at the time the birth occurred. The signed affidavits must be included on the bottom of the VS 85 – and not as a separate document.

**What makes
a VS 85 form
“acceptable”?**

Important Information

Birth certificates are legal documents that must be able to hold up in any court, unchallenged as to their accuracy and reliability.

Because the bottom portion of the VS 85 form that you submit becomes the actual birth certificate, it must adhere to strict guidelines:

- Every item on the form must be completed.
- The form must be an original, not a photocopy.
- Because the form actually becomes the official record, every word and letter must be extremely clear and legible. ***Using a typewriter to complete the form ensures that the information is interpreted clearly.***
- If you are not able to type the form, it is extremely important that you take the extra time to print ***very clearly and legibly***. Documents that are not legible will be returned to you to complete again.
- ***Only black ink is acceptable.***
- ***There cannot be any erasures, whiteout, or alterations.***

**How will I know
if my request has
been accepted?**

Once your request has been received and evaluated, we'll send you either:

- A postcard letting you know your request has been accepted, and reminding you of our processing time.
- If your request is not accepted (e.g., due to insufficient fee, insufficient information, etc.), we will return your request to you with a letter explaining what needs to be corrected.

Please allow about 6 weeks to receive the acknowledgement postcard. Rejected requests can take up to 10 weeks to be returned.

How long will it take to get the birth certificate?

Our processing time for delayed birth registrations is approximately 3 months. (The processing time can change based on our workload.)

What if I still have questions?

If you have read this pamphlet thoroughly and still have questions that were not answered in this pamphlet, please call (916) 557-6077 and leave your name, telephone number, and question. One of our Delayed Registration staff will return your call within 48 hours.

If you have questions on the ***status*** of your request, please call our Customer Service Unit at (916) 445-2684 – ***but only after the processing time has passed.***



REQUEST FOR NUMIDENT PRINTOUT

To: Social Security Administration
OEO FOIA Workgroup
300 N. Green Street
P. O. Box 33022
Baltimore, MD 21290-3022

***Do not send this form to the
California Office of Vital Records.
It must be sent to SSA for a copy
of your numident. (See back of
form for additional information.***

To process your request for a copy of your Numident printout, we need you to provide the following information:

(Name) (Social Security Number) (Date of Birth)

If you do not know your Social Security number, please provide the following information to the above address:

Name: _____

Date of Birth: _____

Place of Birth: _____

Mother's Maiden Name: _____

Father's Name: _____

Sex: _____

Mailing address: _____

Daytime Phone #: (____) ____ - ____

I am the individual to whom the record pertains (or a person who is authorized to sign this letter on behalf of that individual). I understand that any false representation to knowingly and willfully obtain information from Social Security records is punishable by a fine of not more than \$5,000 or one year in prison.

Signature: _____ Date: _____

(Continued on Back)

FEES: \$16.00 if SSN is known, \$18.00 if SSN is not known.

PAYMENT OPTIONS:

Check

Money Order

Credit Card (MasterCard, VISA, Discover, American Express, Diner's Club)

Payment must be enclosed with request.

CREDIT CARD INFORMATION:

Type of Credit Card _____

Credit Card Holder's Name & SSN _____

Credit Card Holder's Address _____

Daytime Telephone Number (____) ____ - ____

Amount to be charged \$ _____

Credit Card Number _____

Expiration Date (month and year) _____

APPLICATION FOR CERTIFIED COPY OF BIRTH RECORD**DO NOT Complete This Application Before Reading the Instructions on Page 2**

In an attempt to stop the illegal use of vital records, and as part of statewide efforts to reduce identity theft, a new law (effective July 1, 2003) changed the way certified copies of birth certificates are issued. **Certified Copies** to establish the identity of a registrant can be issued only to authorized individuals, as indicated below. All others will be issued **Certified Informational Copies** that are not valid to establish identity.

Fee: **\$14 per copy** (payable to the Office of Vital Records).

Please indicate the type of certified copy you are requesting:

<input type="checkbox"/> I would like a Certified Copy . This copy will establish the identity of the registrant. (To receive a Certified Copy you MUST INDICATE YOUR RELATIONSHIP TO THE REGISTRANT by selecting from the list below AND COMPLETE THE ATTACHED SWORN STATEMENT declaring that you are eligible to receive the Certified Copy. The Sworn Statement MUST BE NOTARIZED if the application is submitted by mail unless you are a law enforcement or local or state governmental agency.)	<input type="checkbox"/> I would like a Certified Informational Copy . This document will be printed with a legend on the face of the document that states, "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY." (A Sworn Statement does not need to be provided.)
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NOTE: Both documents are certified copies of the original document on file with our office. With the exception of the legend, the documents contain the exact same information.

To receive a **Certified Copy** I am:

- ☐ The registrant (person listed on the certificate) or a parent or legal guardian of the registrant.
- ☐ A party entitled to receive the record as a result of a court order, or an attorney or a licensed adoption agency seeking the birth record in order to comply with the requirements of Section 3140 or 7603 of the Family Code.
- ☐ A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business. *(Companies representing a government agency must provide authorization from the government agency.)*
- ☐ A child, grandparent, grandchild, brother or sister, spouse, or domestic partner of the registrant.
- ☐ An attorney representing the registrant or the registrant's estate, or any person or agency empowered by statute or appointed by a court to act on behalf of the registrant or the registrant's estate. *(If you are requesting a Certified Copy under a power of attorney, please include a copy of the power of attorney with this application form.)*

APPLICANT INFORMATION (PLEASE PRINT OR TYPE)				Today's Date: _____	
Agency Name (if appropriate)		Agency Case No. (if appropriate)		Purpose of Request	
Printed Name and Signature of Applicant				Number of Copies	Amount Enclosed
Mailing Address – Number, Street				Name of Person Receiving Copies, if Different From Applicant	
City	State / Province	ZIP Code	Mailing Address for Copies, If Different From Applicant		
Daytime Telephone (include area code) ()		Country	City	State	ZIP Code

BIRTH CERTIFICATE INFORMATION (PLEASE PRINT OR TYPE)			Adopted: <input type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, see #4 on Page 2)		
BIRTH Name on Certificate (LAST)		FIRST Name on Certificate		MIDDLE Name on Certificate	
City of Birth (must be in California)				County of Birth	
Date of Birth – MM/DD/CCYY (If unknown, enter approximate date of birth)				Sex <input type="checkbox"/> Female <input type="checkbox"/> Male	
BIRTH Last Name on Certificate – Father/Parent		FIRST Name on Certificate – Father/Parent		MIDDLE Name on Certificate – Father/Parent	
BIRTH Last Name on Certificate – Mother/Parent		FIRST Name on Certificate – Mother/Parent		MIDDLE Name on Certificate – Mother/Parent	

INFORMATION: Birth records have been maintained in the Office of the State Registrar of Vital Records since July 1, 1905.

The “Birth” name required on Vital Records (see Items 1C, 6C, 7C, 9C, and 12C) is the name given at birth, or a name received through adoption, court-ordered name change, or Naturalization. AKA’s (Also Known As) and assumed names cannot be entered as the legal “Birth” name.

INSTRUCTIONS:

1. As of July 1, 2003, **ONLY** individuals who are authorized by Health and Safety Code Section 103526 can obtain a Certified Copy of a Birth Record to establish identity of the registrant (person listed on the certificate). (Page 1 identifies the individuals who are authorized to make the request.) All others may receive a Certified Informational Copy which will be marked, “Informational, Not a Valid Document to Establish Identity.”

Confidential Information on Birth Record: Some individuals have special needs for a birth certificate that contains the confidential information provided at the time the birth record was prepared. This confidential information may be used to establish ethnicity, to provide health background, or for other personal reasons. For information on how to obtain a birth certificate containing the confidential information, please refer to the Birth Certificate section of our website: www.cdph.ca.gov (then select “Services”). Only specific individuals may obtain confidential copies.

2. Complete a separate application for each birth record requested.
3. Complete the **Applicant Information** section on Page 1 and provide your signature where indicated. In the **Birth Certificate Information** section, provide all the information you have available to identify the birth record. If the information you furnish is incomplete or inaccurate, we may not be able to locate the record.
4. **If the registrant has been adopted**, make the request in the **adopted** name. (If you’re requesting a copy of the **original** birth certificate, you **must** provide a court order releasing the original sealed record.)

5. **SWORN STATEMENT:**

- The authorized individual requesting the certified copy must sign the attached Sworn Statement, declaring under penalty of perjury that they are eligible to receive the certified copy of the birth record, and identify their relationship to the registrant – the relationship must be one of those identified on Page 1.
- If the application is being submitted by mail, the Sworn Statement **must be** notarized by a Notary Public. (To find a Notary Public, see your local yellow pages or call your banking institution.) **Law enforcement and local and state governmental agencies are exempt from the notary requirement.**
- You do not have to provide a Sworn Statement if you are requesting a Certified Informational Copy of the birth record.

6. Submit \$14 for **each** copy requested. If no birth record is found, the \$14 fee will be retained for searching the record (as required by law) and a Certificate of No Public Record will be issued to the applicant. Indicate the number of copies you want and include the correct fee(s) in the form of a personal check or postal or bank money order (International Money Order for out-of-country requests) made payable to the **Office of Vital Records**. Mail this application with the fee(s) to the Office of Vital Records at the address below.
7. **Returning Completed Certificates:** Completed certificates are returned using the U.S. Postal Service.

Office of Vital Records - MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410
(916) 445-2684

BIRTH

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SWORN STATEMENT

I, _____, declare under penalty of perjury under the laws of the State of California,
(Applicant's Printed Name)

that I am an authorized person, as defined in California Health and Safety Code Section 103526 (c), and am eligible to receive a certified copy of the birth or death record of the following individual(s):

Name of Person Listed on Certificate	Applicant's Relationship to Person Listed on Certificate (Must Be a Relationship Listed on Page 1 of Application)

(The remaining information must be completed in the presence of a Notary Public or Office of Vital Records staff.)

Subscribed to this _____ day of _____, 20____, at _____, _____.
(Day) (Month) (City) (State)

(Applicant's Signature)

Note: If submitting your order by mail, you must have your Sworn Statement notarized using the Certificate of Acknowledgment below. The Certificate of Acknowledgment must be completed by a Notary Public. (Law enforcement and local and state governmental agencies are exempt from the notary requirement.)

CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of _____)

On _____ before me, _____, personally appeared _____,
(here insert name and title of the officer)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
(SEAL)

SIGNATURE